

Suspend the Rules and Pass the Bill, H.R. 758, with an Amendment
(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
1ST SESSION

H. R. 758

To provide a safe harbor for financial institutions that maintain a customer account or customer transaction at the request of a Federal or State law enforcement agency.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2019

Mr. HILL of Arkansas (for himself and Mr. FOSTER) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To provide a safe harbor for financial institutions that maintain a customer account or customer transaction at the request of a Federal or State law enforcement agency.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cooperate with Law
5 Enforcement Agencies and Watch Act of 2019”.

1 **SEC. 2. SAFE HARBOR WITH RESPECT TO KEEP OPEN LET-**
2 **TERS.**

3 (a) IN GENERAL.—Subchapter II of chapter 53 of
4 title 31, United States Code, is amended by adding at the
5 end the following:

6 **“§ 5333. Safe harbor with respect to keep open letters**

7 “(a) IN GENERAL.—With respect to a customer ac-
8 count or customer transaction of a financial institution,
9 if a Federal, State, Tribal, or local law enforcement agen-
10 cy requests, in writing, the financial institution to keep
11 such account or transaction open—

12 “(1) the financial institution shall not be liable
13 under this subchapter for maintaining such account
14 or transaction consistent with the parameters of the
15 request; and

16 “(2) no Federal or State department or agency
17 may take any adverse supervisory action under this
18 subchapter with respect to the financial institution
19 for maintaining such account or transaction con-
20 sistent with the parameters of the request.

21 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion may be construed—

23 “(1) from preventing a Federal or State depart-
24 ment or agency from verifying the validity of a writ-
25 ten request described under subsection (a) with the

1 Federal, State, Tribal, or local law enforcement
2 agency making the written request; or

3 “(2) to relieve a financial institution from com-
4 plying with any reporting requirements, including
5 the reporting of suspicious transactions under sec-
6 tion 5318(g).

7 “(c) LETTER TERMINATION DATE.—For purposes of
8 this section, any written request described under sub-
9 section (a) shall include a termination date after which
10 such request shall no longer apply.”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 for chapter 53 of title 31, United States Code, is amended
13 by inserting after the item relating to section 5332 the
14 following:

“5333. Safe harbor with respect to keep open letters.”.

15 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

16 The budgetary effects of this Act, for the purpose of
17 complying with the Statutory Pay-As-You-Go Act of 2010,
18 shall be determined by reference to the latest statement
19 titled “Budgetary Effects of PAYGO Legislation” for this
20 Act, submitted for printing in the Congressional Record
21 by the Chairman of the House Budget Committee, pro-
22 vided that such statement has been submitted prior to the
23 vote on passage.